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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,235	09/09/2004	Fumiya Nemoto	OGOSH22USA	1791
270	7590	03/13/2008	EXAMINER	
HOWSON AND HOWSON SUITE 210 501 OFFICE CENTER DRIVE FT WASHINGTON, PA 19034			BAND, MICHAEL A	
			ART UNIT	PAPER NUMBER
			1795	
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			03/13/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/507,235	<b>Applicant(s)</b> NEMOTO ET AL.	
	<b>Examiner</b> MICHAEL BAND	<b>Art Unit</b> 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 11-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 11-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/7/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 17, and 28-29 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shea (US Patent No. 5,638,979).

With respect to claim 1, Shea discloses a shipping or transport container system comprising an inner liner [1] into an inner container [5] for inserting into an outer container [6] (abstract). The inner liner (i.e. frame) [1] defines a void as depicted in fig.

2. Shea also discloses that the inner and outer containers are comprised of plastic, wood, or similar construction (col. 2, lines 28-31). Fig. 2 depicts the inner container [5] having an upper plate (i.e. top) and lower plate (i.e. bottom), with the outer container [6] also having a bottom plate and a cover [9] with said inner container [5] inserted into said outer container [6]. Furthermore fig. 3 depicts a primary feature of Shea having an insulating cover [31] for encasing said inner [5] and outer [6] containers and wheels to provide movement (col. 3, lines 64-67; col. 4, lines 1-8). Since Shea also discusses fig. 3 being comparable to a catering cart [33], the wheels move via man-power (col. 3, lines 64-66). Although Shea does not specifically state the container being used for a sputter

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target, it is either inherent or obvious that since a sputter target is formed to rigid specification and purity standards of expensive materials, a transport container would be needed to protect said sputter target.

With respect to claim 17, Shea further discloses forming the inner and outer containers of corrugated cardboard constructions (i.e. wood products) or wood (col. 2, lines 28-31). Therefore the periphery, corners, and supports of said outer container (i.e. box) [6] are formed of wood.

With respect to claim 28, Shea further discloses in fig. 2 a space tray (i.e. cushion) [3] between the inner container [5] and outer container [6].

With respect to claim 29, Shea further discloses in fig. 2 a flap-type cover [9] for removably fixing a cover onto the outer container [6].

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-13, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shea (US Patent No. 5,638,979).

With respect to claim 11, Shea further discloses in fig. 3 a transport container having wheels on one side, allowing for inclined transportation. However Shea is limited

in that, while not specifically disclosed, a handle or other conveying means is suggested to be on the same side as the wheels (col. 3, lines 64-66).

However it has been held that a rearrangement of parts because shifting the position of the handle would not have modified the operation of the device. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). Therefore it would have been obvious to one of ordinary skill in the art to place a handle for conveying the transport container on either the side with wheels or without wheels as both lead to an inclined transport container during transport, regardless of whether said transport container is being pushed or pulled.

With respect to claim 12, Shea further discloses forming the inner and outer containers of corrugated cardboard constructions (i.e. wood products) or wood (col. 2, lines 28-31). Therefore the periphery, corners, and supports of said outer container (i.e. box) [6] are formed of wood.

With respect to claims 13, 18, and 22, Shea further discloses a thin layer of aluminum sheet material being attached to the inner liner [1] and separated from a transported item inner by a single- or double-bubble material (col. 3, lines 38-47). However Shea is limited in that it is not suggested to place this aluminum sheet material on the outside of the outer container [6].

However it has been held that a rearrangement of parts because shifting the position of the handle would not have modified the operation of the device. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). Therefore it would have been obvious to one of ordinary skill in the art to place the aluminum sheet material on the

outside of outer container [6] since in both scenerios a transported item is separated by a non-conductive polymer bubble material [27].

5. Claims 14-16, 19-21, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shea (US Patent No. 5,638,979) as applied to claims 13, 18, and 22 above, and further in view of Iwamoto et al (JP No. 11011478).

With respect to claims 14, 19, and 23, the reference is cited as discussed for claim 13. However Shea is limited in that a through-type is not suggested on the inner container [5].

Iwamoto et al teaches a double box container having an inner box [50] and an outer box so as to surround said inner box [50] (abstract). Fig. 3 also provides a through-type hold [68] on inner box [50].

It would have been obvious to one of ordinary skill in the art to provide a through-type hold as taught in Iwamoto et al for the inner container of Shea to gain the advantage of an alternative and easier method of transporting the inner container.

With respect to claims 15, 20, and 24, modified Shea further discloses in fig. 2 a space tray (i.e. cushion) [3] between the inner container [5] and outer container [6].

With respect to claims 16, 21, and 25, modified Shea further discloses in fig. 2 a flap-type cover [9] for removably fixing a cover onto the outer container [6].

6. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shea (US Patent No. 5,638,979) as applied to claim 1 above, and further in view of Iwamoto et al (JP No. 11011478).

With respect to claim 26, the reference is cited as discussed for claim 1. However Shea is limited in that a through-type is not suggested on the inner container [5].

Iwamoto et al teaches a double box container having an inner box [50] and an outer box so as to surround said inner box [50] (abstract). Fig. 3 also provides a through-type hold [68] on inner box [50].

It would have been obvious to one of ordinary skill in the art to provide a through-type hold as taught in Iwamoto et al for the inner container of Shea to gain the advantage of an alternative and easier method of transporting the inner container.

With respect to claim 27, modified Shea further discloses in fig. 2 a space tray (i.e. cushion) [3] between the inner container [5] and outer container [6].

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Design 382111; US Patent No. 4,836,379; US Patent No. 5,378,428; US Patent No. 5,577,616; US Patent No. 5,669,233; US Patent No. 5,830,545; US Patent No. 7,059,475.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Band whose telephone number is (571) 272-9815. The examiner can normally be reached on Mon-Fri, 8am-4pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexa Neckel can be reached on (571) 272-1446. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rodney G. McDonald/

Primary Examiner, Art Unit 1795

/M. B./

Examiner, Art Unit 1795